

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION

U.S. TRANSPORT FREIGHT  
SYSTEMS, INC., ET AL

CIVIL ACTION NO. 08-cv-1649

VERSUS

JUDGE WALTER

PREFERRED MATERIALS,  
INC., ET AL

MAGISTRATE JUDGE HORNSBY

**MEMORANDUM ORDER**

Plaintiffs' counsel was granted leave to withdraw. Plaintiffs were sent an order that reminded them that they, as corporations, must be represented by an attorney who is admitted to the bar of this court.<sup>1</sup> Plaintiffs did not enroll counsel by the December 15, 2008 deadline, despite a warning that failure to do so could result in dismissal of the complaint.

Before the court takes the harsh step of dismissal, which could forever foreclose Plaintiffs from pursuing their claims, the court will give Plaintiffs one more opportunity to

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<sup>1</sup> "In all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein." 28 U.S.C. § 1654. Almost all courts have held that this statute "does not allow corporations, partnerships, or associations to appear in federal court otherwise than through a licensed attorney." Rowland v. California Men's Colony, 113 S.Ct. 716, 721 (1993). The Fifth Circuit has long followed the rule that corporations, partnerships or other "fictional legal persons" cannot appear for themselves personally but must be represented by licensed counsel. Southwest Express Co. v. Interstate Commerce Commission, 670 F.2d 53, 55 (5th Cir. 1982). See also Memon v. Allied Domecq Qsr, 385 F.3d 871, 873 (5th Cir. 2004); U.S. v. Trowbridge, 251 F.3d 157 (5th Cir. 2001); and KMA, Inc. v. General Motors Acceptance Corp., 652 F.2d 398, 399 (5th Cir. 1981).

enroll counsel. They will be allowed until **January 12, 2009** to enroll new counsel. If they do not do so, the complaint will be subject to dismissal for failure to prosecute, without further notice.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 18th day of December, 2008.



MARK L. HORNSBY  
UNITED STATES MAGISTRATE JUDGE